

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 Case No.: 2:18-cv-01362-JAD-PAL

4 Wesley S. Battey, Jr.,

5 Plaintiff

6 v.

7 Jason Spurling,

8 Defendant

**Order Adopting  
Report & Recommendation and  
Dismissing Case.**

[ECF No. 5]

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10 Plaintiff Wesley S. Battey Jr. brings this civil-rights action against Las Vegas  
11 Metropolitan Police Officer Jason Spurling and other doe defendants based on an alleged false  
12 arrest. Battey did not pay the filing fee or apply to proceed *in forma pauperis*, so Magistrate  
13 Judge Leen recommended on October 4, 2018, that I dismiss this action without prejudice.<sup>1</sup>  
14 Battey's time to object expired without response. "[N]o review is required of a magistrate  
15 judge's report and recommendation unless objections are filed."<sup>2</sup> Having reviewed the R&R, I  
16 find good cause to adopt it, and I do.

17 Accordingly, IT IS HEREBY ORDERED that THIS ACTION IS DISMISSED  
18 WITHOUT PREJUDICE to plaintiff's ability to commence a new action in which he either pays  
19 the filing fee in full or submits a completed application to proceed *in forma pauperis*. The Clerk  
20 of Court is directed to CLOSE THIS CASE.

21 Dated: October 22, 2018

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U.S. District Judge Jennifer A. Dorsey

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26 <sup>1</sup> ECF No. 5.

27 <sup>2</sup> *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474  
28 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).